PROPOSAL TO ESTABLISH A PARLIAMENTARY MECHANISM FOR REVIEW OF THE INTERRELATIONSHIP BETWEEN CANADIAN FOREIGN POLICY AND INTERNATIONAL HUMAN RIGHTS OBSERVANCE

A Brief for the Special Committee on Reform of the House of Commons

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Prepared by the

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I. Introduction

The Taskforce on the Churches and Corporate Responsibility is an ecumenical coalition of the main Christian churches in Canada.* It addresses issues of human rights and social justice in the area of corporate activity. Since the establishment of the Taskforce in 1975, much of our work has focussed on Canadian corporate and banking activity in countries whose regimes severely violate the human rights of their citizens. In particular, we have focussed on South Africa and Namibia and on countries in South and Central America. These are areas where major direct Canadian banking and corporate activity coincide with the practice of the host governments of gross and systematic violations of human rights. By extension, we have from time to time addressed the Canadian government on international issues with regard to legislation or policy positions, or in areas where the Canadian government is itself a corporate or economic actor.

The primary assumptions of this brief are:

- that regular review of the interrelationship between human rights concerns and Canadian foreign policy - economic as well as political- is desirable;
- that both Parliament and the public ought to have the opportunity to participate in such review;
- and that both Parliament and the public ought to have access to the information necessary for effective review.

The desire of Parliamentarians to provide assessment and leadership on issues of international human rights is evident in the recommendation of the Parliamentary Sub-Committee on Canada's Relations with Latin America and the Caribbean, that a Canadian Parliamentary Human Rights Association be established. It is also evident in the human rights concerns of the Inter-Parliamentary Association.

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* List of participating churches

- The General Synod of the Anglican Church of Canada
- Canadian Conference of Catholic Bishops
- Canadian Council of Churches
- Canadian Religious Conference of Ontario
- Jesuit Fathers of Upper Canada
- Lutheran Church in America - Canada Section
- Oblates of Mary Immaculate, St. Paul's, B.C.
- Presbyterian Church in Canada
- Redemptorist Fathers
- Scarborough Foreign Mission Society
- Sisters of Charity of Mount St. Vincent, Halifax
- Sisters of St. John the Divine
- United Church of Canada
- Ursulines of Chatham Union

We also understand that representatives of the federal government are sympathetic to the proposal that there be established a mechanism for Parliament to monitor international human rights observance ("Clark considers human rights monitor," Globe and Mail, 8 February 1985).

We believe that the idea of lodging in Parliament the means for review and assessment of Canadian policy in relation to international human rights observances would gain the support of a wide variety of community and non-governmental organizations concerned with different aspects of human rights, and representing diverse political persuasions.

II. Proposal

Our proposal that there be established a parliamentary instrument for annual review of Canadian impact on international human rights observances has been submitte by the churches on other occasions. The churches included such a proposal in the Taskforce brief to the Parliamentary Sub-Committee on Latin American and the Caribbean, June 1982, in their proposal to the Minister of Finance to establish basic human rights criteria as a co-determinant of Canada's voting decisions in the International Monetary Fund, June 1983, and again in April 1985 in their presentation to the House of Commons Standing Committee on Finance, Trade and Economic Affairs.

We appreciate the opportunity to make this proposal as well to a Committee specially empowered to examine and report to the House of Commons on the procedures and responsibilities of the House, and Committees of the House.

We are encouraged in making this proposal by the fact that the Prime Minister and members of the Cabinet have expressed their commitment to the reform and strengthening of Parliament and Parliamentary Committees.

Recommendation

We recommend that an annual public review take place by a mandated Parliamentary Committee or Sub-Committee thereof, of human rights observances in countries with whom Canada has significant aid, trade or investment relations. Such review should include Canadian relations with these countries in the light of Canada's human rights commitments.

The sections which follow address the various aspects which ought to be included in the mandate of such a Parliamentary Committee or Sub-Committee.

A. Establishment of basic human rights criteria for Canadian foreign policy

The Canadian government, in guaranteeing Canadian rights under the "Charter of Rights and Freedoms", has made a public declaration of the rights which are part of Canada's value system. By affirming the "Universal Declaration of Human Rights" and ratifying the International Covenants, Canada has extended that value system to its position in the international arena.

There is also emerging an international definition of certain basic human rights, in the important sense that no other rights can conceivably be enjoyed unless these basic rights are protected. The right to freedom from detention without trial, the right to freedom from torture, the right to freedom from extra-judicial execution and the right to subsistence are among those generally cited.

Such rights are basic in the further sense that they are now receiving a near-universal acknowledgement in international declarations and covenants of rights, in constitutional bills of rights and in the pronouncements of political leaders.

The Canadian government has incorporated its opposition to gross violations of basic human rights in some aspects of its foreign policy implementation. For example, Canada's policy is to refuse military exports "to regimes considered to be wholly repugnant to Canadian values and especially where such equipment could be used against civilians."1

Human rights promotion has been stated by the Canadian government to be an important element of Canadian foreign policy. However, there is a need for clearer definition of the specific human rights standards that Canada might appropriately promote through international standard setting and monitoring bodies such as the UN Commission on Human Rights and the UN Committee on Human Rights, and through other bilateral and multilateral foreign policy activities. Such definition might be undertaken, in part, in the course of reviews of the relationship between Canadian human rights law and practice and international commitments and practice.

Recommendation

A Parliamentary Committee or Sub-Committee on human rights in Canadian foreign policy should review the relationship between Canadian human rights law and practice and international commitments and practice, with a view to defining the specific human rights objectives that Canada might promote internationally, through bilateral and multilateral channels.

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1. General Notice - Canadian Export Control Law and Policy and Informational Requirements in Support of Export Permit Applications, 6 July 1982.

B. Review of human rights observances of countries of significant interest to Canada.

Periodic review of international human rights observances, particularly in countries with whom Canada has trade, investment and aid relationships is a necessary step in making human rights a major component of foreign policy decisions. The level of human rights observances in any one country is not static, and periodic and accurate assessment requires information from many sources.

At present there is no instrument in place which affords Canadian Parliamentarians an opportunity for regular review of the state of human rights in given countries. The relevant government departments are not obliged to report their assessment of human rights situations in countries on the basis of which foreign policy decisions may be taken. Nor is there presently any regular and comprehensive opportunity for Canadian parliamentarians to hear testimony regarding human rights observances from national and international organizations such as Amnesty International, the Red Cross and the churches, or indeed from the Department of External Affairs itself.

Recommendations

A Parliamentary Committee or Sub-Committee on human rights in Canadian foreign policy should be mandated to review assessments of human rights observances in countries of significant interest to Canada. The assessments should include those of Canadian participants in the United Nations General Assembly, and the United Nations Human Rights Commission; the Department of External Affairs and other relevant government departments; as well as those of non-governmental organizations such as Amnesty International, the Red Cross, and the churches.

C. Review of the impact of Canadian government and corporate aid, trade and investment policies on international human rights observances.

The churches have become increasingly aware of the neutralizing effect of Canada's "one track" policy for the promotion of international human rights. Human rights promotion has been effectively separated from practically all other foreign policy issues. Decisions taken by the Canadian government as a member of the United Nations Commission of Human Rights and other United Nations organs regarding regimes which practice the gross and systematic violation of human rights, are not consistently taken into account when policies are formulated in other government arenas.

There is need to consider in what circumstances and in what ways Canada would be justified in attempts to influence the policies of a repressive state. Pressures which might be applied include not only the suspension of military aid and sale of armaments, but confidential diplomatic representation, non-military public support for opponents of the regime, cessation of all or portions of any foreign assistance being extended to the offending government, and partial or total economic boycott.

The nature and extent to which aid, trade and investment policies of the Canadian government and Canadian banks affect the implementation of human rights policy, should also be subject to Parliamentary review. Such review should encourage the integration of human rights assessments into the decision-making of economic and commercial actors.

Recommendation

A Parliamentary Committee or Sub-Committee on human rights in Canadian foreign policy should be mandated:

1. to review bilateral government initiatives in aid, trade, and investment affecting human rights violator countries. These would include the activities of the Canadian International Development Agency (CIDA), the Export Development Corporation (EDC), and External Affairs' Program for Export Marketing Development (PEMD), as well as decisions regarding the export of military and strategic goods and technologies;

2. to review Canada's participation in decision-making by international financial institutions (the International Monetary Fund, the World Bank, and the regional development banks) regarding credits and aid to human rights violator countries;

3. to review the size and country by country exposure in human rights violator countries of Canadian private lending institutions;

4. to make general recommendations regarding in what circumstances and by what means Canada might attempt to influence the policies of a repressive state.

D. Access to relevant information

For an annual review of human rights in Canadian foreign policy to be effective, it will be necessary for a Parliamentary Committee or Sub-committee to have access to relevant information. From time to time as information becomes public about certain transactions in the area of aid, trade or financial support for countries that are designated gross and systematic violators of human rights, the churches have been told that the departments or agencies responsible for these transactions have carefully taken into account their impact on human rights observances. At times the conclusions reached by these departments have been entirely at variance with the findings of human rights organizations. It is therefore important to place before the Parliamentary Committee the sources and the data used by the Canadian government when judgements are made about the degree of international human rights infractions.

The nature of transactions with governments that have been chastized for their gross and systematic violations of basic human rights, are a measure of Canada's commitment to promote and protect international human rights. It is therefore essential that both the transactions be made public together with the criteria applied to justify them.

Recommendation

A Parliamentary Committee or Sub-Committee on human rights in Canadian foreign policy should be mandated to secure from government departments and agencies two types of information:

- the data, sources and criteria used by departments, agencies and representatives of the Canadian government when judgements are made about human rights observances.
- specific information about aid, trade and investment transactions with countries that have been designated gross and systematic violators of human rights.

III. Conclusion

We submit that these recommendations, if implemented, would enhance the role of Parliament in the oversight of one of Canada's main foreign policy principles - the promotion of international human rights observance. Regular review by a Parliamentary Committee or a Sub-Committee of the interrelationship of Canadian government decisions and international human rights observance will, we believe, be a major factor in improving Canada's implementation of its principles in the international arena.

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